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C O N F I D E N T I A L BANGKOK 005455

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DEPARTMENT FOR EAP, EAP/MLS  
DEFENSE FOR OSD/ISA (POWERS)  
NSC FOR MORROW  
PACOM FOR FPA HUSO

E.O. 12958: DECL: 08/23/2015

TAGS: [PGOV](#) [PREL](#) [MASS](#) [TH](#)

SUBJECT: EMERGENCY DECREE CONTROVERSIAL AMONG SENIOR THAI LEADERS

REF: A. BANGKOK 4653 NOTAL

[1](#)B. BANGKOK 4697 NOTAL

Classified By: Ambassador Ralph L. Boyce. Reason 1.4 (a and d)

[1](#)1. (C) MFA PermSec Krit Garnjana-Goonchorn (please protect) confidentially told the Ambassador on August 24 that he had

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severe misgivings about the recently released Emergency Decree. Saying that he was speaking privately and with a need to "unburden himself," Krit said that, while he thought the motivation to replace martial law with something else was "pure and good," certain unnamed members of the security forces had seized upon the general sense of alarm caused by a coordinated series of attacks in Yala on July 14 to force through a poorly conceived edict providing them greater power.

DECREE A "LEMON"

[1](#)2. (C) Krit described the Emergency Decree itself as a "lemon," and far more draconian than what was needed to respond to the violence in the south. Particularly worrisome are: Section 11 (6), which gives the PM power during times of emergency to issue an order barring any act deemed to be a threat to public order, and Section 17, which protects any state actor operating under the Emergency Decree from civil, criminal or disciplinary liabilities for his actions so long as they were made in "good faith."

[1](#)3. (C) Krit suggested that the Decree was rushed through the Cabinet while everyone was anxious to do something to respond to the Yala attacks. He said that the draft Decree was presented to an assembly of about 70 Cabinet or Deputy Cabinet level officials in an atmosphere of crisis and passed before many of those gathered even had an opportunity to read the text. In the subsequent days, a number of senior Thai leaders became alarmed at what they had endorsed and agreed that the decree needed modification. However, it is unlikely that the edict can be changed any time soon because the Prime Minister cannot be seen to be vacillating in his response to the violence in the south.

VOICES OF REASON MAY MITIGATE THE DAMAGE

[1](#)4. (C) Fortunately, Krit explained, the top two officials tasked with addressing the situation in the south, Justice Minister Chidchai Vanasatidya and Education Minister Chaturon Chaisaeng are honorable men -- and unlikely to act in rash ways. In addition, National Reconciliation Commission Head Anand Panyarachun serves as the "conscience of the Prime Minister" and can serve as a brake on Thaksin's worst instincts.

COMMENT

[1](#)5. (C) The Ambassador had gone to MFA to discuss the upcoming meeting between Thaksin and the President and the Strategic Dialogue. It was, therefore, a surprise when Krit asked that the room be cleared so that he could share this candid assessment. Like many Thai diplomats, Krit is much more comfortable with protocol and diplomatic dinners than with security matters. Nonetheless, he knows the Thai bureaucracy and is progressive. He was visibly uncomfortable when he had to explain the Emergency Decree to the diplomatic community on July 18 and, as more and more thoughtful Thai have expressed public misgivings about the order, he probably felt it best to explain to Washington that the Emergency Decree is not endorsed wholeheartedly among senior officials, who may work behind-the-scenes to mitigate some of its more hard-line aspects.

BOYCE